

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCOTTSDALE INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
CHICAGO MATTRESS COMPANY, INC.,)
and TERRELL SMITH, individually and)
on behalf of all other similarly situated,)
)
Defendants.)

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant 28 U.S.C. §§ 1332, 1441, and 1446, Defendant CHICAGO MATTRESS COMPANY, INC. (“Chicago Mattress Company”) hereby removes the Complaint for Declaratory Judgment filed by Plaintiff SCOTTSDALE INSURANCE COMPANY (“Scottsdale”) in Case No. 2024 CH 04018, from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois. In support of its Notice of Removal, Chicago Mattress Company states as follows:

A. Nature of the Civil Action

1. On May 1, 2024, Scottsdale filed its Complaint for Declaratory Judgment (“Complaint”) against Defendants Chicago Mattress Company and TERRELL SMITH (“Smith”).
(**Exhibit 1**)

2. On May 7, 2024, counsel for Scottsdale informed counsel for Chicago Mattress Company via email that Scottsdale had filed its Complaint. (**Exhibit 2**)

3. Chicago Mattress Company has not yet been formally served with the Complaint.

B. Timing and Perfecting of Removal

4. The timing of this removal is proper pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty days of Chicago Mattress Company's receipt of the Complaint. Scottsdale sent to Chicago Mattress Company a copy of the Complaint via electronic mail to Chicago Mattress Company's counsel on May 7, 2024.

5. As required by 28 U.S.C. § 1446(a), the Complaint, along with its accompanying exhibits, is attached here as **Exhibit 1** and the email notice of the Complaint is attached here as **Exhibit 2**.

6. Upon filing of this Notice of Removal, Chicago Mattress Company shall promptly provide written notice thereof to the Clerk of the Circuit Court of Cook County, Illinois. A copy of the Notice of Filing of Notice of Removal to be filed and served is attached here as **Exhibit 3**.

C. Diversity Jurisdiction

7. Plaintiff Scottsdale is an Ohio corporation with its principal place of business in Arizona.

8. Defendant Chicago Mattress Company is an Illinois corporation with its principal place of business in Illinois.

9. Defendant Smith is a citizen of Illinois.

10. Upon information and belief, no defendant has been formally served with a copy of the Complaint.

11. Scottsdale seeks a declaratory judgment on its duty to defend and indemnify Chicago Mattress Company on multiple insurance policies, whose combined value exceeds \$75,000.

12. Based on the facts set forth above, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 (diversity of citizenship) because the parties are diverse and the amount in controversy is well over \$75,000.00.

13. Pursuant to 28 U.S.C. § 1441(a), and in accordance with 28 U.S.C. § 1446(b), the lawsuit may be removed to this Court because this Court “embrac[es] the place where such action is pending.” 28 U.S.C. § 1441(a). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1441, as defendants reside in this district and a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

14. By filing this Notice of Removal, Chicago Mattress Company does not waive any of its defenses.

15. Notice of this removal is being provided to Scottsdale, through its counsel of record.

WHEREFORE, Defendant Chicago Mattress Company, Inc. hereby removes this Complaint for Declaratory Judgment from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, and requests that this Court accept jurisdiction of this action and place it upon the docket of this Court for further proceedings as though this action had originally been instituted in this Court.

Dated: May 17, 2024

Respectfully submitted,

Chicago Mattress Company, Inc.

By: /s/ Robert Muriel
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Jay Zenker, an attorney, hereby certify that I caused a copy of the foregoing Notice of Removal to be electronically filed with the Clerk of the Court pursuant to Electronic Filing Procedures and using the CM/ECF system. Additionally, a true and correct copy was served upon the following counsel of record via electronic mail on May 17, 2024.

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/s/ Jay Zenker _____